

### REMARKS

In the instant Office communication, the Examiner has stated that “the Sequence Rules have not been complied with.” Furthermore, the Examiner is of the opinion that “the appendices are part of the description, therefore sequences recited in the appendices must be accompanied by SEQ ID NO’s. In addition, it is noted that both nucleic acid and amino acid sequences are “identified” by the same Identification Code in the appendices. As the same Identification Code appears to be correlated to multiple SEQ ID NO’s, EACH (individual) sequence listed in the appendices is NOT “readily identifiable” by its SEQ ID NO.”

Applicants respectfully traverse the Examiner’s objection to the specification for the reasons previously set forth. However, in an effort to expedite prosecution of the application, and in no way acquiescing to the Examiner’s objection, Applicants have deleted Appendices A and B and Table 1 and have submitted replacement Appendices A and B and Table 1. *No new matter has been added.*

The replacement Appendices A and B and Table 1 contain Identification Codes for each individual sequence. Each Identification Code contains the notation “na” or “aa” which refers to a nucleotide sequence or an amino acid sequence, respectively. Each and every sequence listed in Appendices A and B is annotated by a specific Identification Code (e.g., **na**RXN01638 corresponds to SEQ ID NO:1 and **aa**RXN01638 SEQ ID NO:2). Furthermore, Table 1, which is contained within Applicants’ specification, lists each SEQ ID NO and also lists the corresponding Identification Code. Therefore, each sequence contained within the Appendices is readily identifiable with its corresponding SEQ ID NO based on the information contained within Table 1.

Furthermore, as set forth by the Examiner, the Sequence Rules require that where the description or claims of a patent application discuss a sequence that is set forth in the “sequence listing” in accordance with paragraph (c) of this section, *reference must be made to the sequence by use of the sequence identifier, preceded by “SEQ ID NO.”* in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application.” (Emphasis added).

The Sequence Rules do not specify that the sequence identifier must be in any particular location. In Applicants specification, *reference is made to each sequence by use of a sequence identifier* in Table 1.

Accordingly, Applicants respectfully submit that the instant application complies with the requirements of 37 C.F.R. §1.821(d) and request that the Examiner withdraw the instant objection to the specification.

### **SUMMARY**

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call the undersigned at (617) 227-7400.

Respectfully submitted,



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